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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/711,302	11/14/2000	Hong Jo Jeong 2950-0176P 6861		6861
2292	7590 01/30/2004		EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			CHU, KIM KWOK	
PO BOX 747 FALLS CHURCH, VA 22040-0747		,	ART UNIT	PAPER NUMBER
			2653	7
			DATE MAILED: 01/30/2004	4

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action    Barminer   Art Unit   Examiner   Art Unit   Examiner   Art Unit   Art Unit   Art Unit   Examiner   Art Unit   Exa		Application No.	Applicant(s)					
Examiner   Kim-kwok CHU   2653	Advisory Action	09/711,302	JEONG ET AL.					
THE RELY FILED 22 January 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandomment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Motios of Appeal (with appeal fee); or (3) a timely filed Motios of Appeal (with appeal fee); or (3) a timely filed Acquest for Continued Examination (RCE) in compliance with 37 CFR 1.114.  **PERIOD FOR REPLY** [check either a) or b)**  The period for reply expires 2 months from the mailing date of the final rejection.  The period for reply expires 32 months from the mailing date of the final rejection.  **ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP CHECK PROMER MAY be a proposed of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been fled is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been fled is the date for the final rejection, even if the final rejection, even if the purpose of the final rejection, even if the purpose of Appeal was filed on	Advisory Addion	Examiner	Art Unit					
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a)  The period for reply expires 3 months from the mailing date of the final rejection, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will be statutory period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will be statutory period for reply expire later than Stx MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REFLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP Town of the final rejection of the final rejection on the final rejection on the final rejection of the final rejection of the final rejection of the final rejection of the final rejection and the corresponding amount of the final rejection, or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filled, may reduce any earned patent term adjustment. See 37 CFR 1.794(b).  1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  2. The proposed amendment(s) will not be entered because:  (a) they raise new issues that would require further consideration and/or search (see NOTE below);  (b) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) they are not deemed to place the application in better form for appeal by materially rejected claims.  NOTE: See Continuation Sheet.  3 Applicant's reply has overcome the following rejection(s):  4 Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  5	Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued							
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10. ☐ Other:	9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)							
	10. Other:							

## Continuation of 2. NOTE:



2. new claims 20-24 are apparatus claims which are not presented before and therefore claims 20-24 require further consideration.

Continuation of 5. does NOT place the application in condition for allowance because:

1. Applicant does not agree that the prior art of Satoh teaches the amended feature in claim 5 "summing the values of the sampled focus error signal, which are less than a first predetermined reference level" (page 8 of the Remarks, lines 3-5). Accordingly, Satoh teaches the above feature:

(a) the focus error signal is a summed signal obtained from the photodetector 21 (Fig. 5);

(b) the focus error signal is less than a first predetermined reference level such as a maximum focus error; and

(c) the focus error signal is a sampled signal because it is digitized from an analog signal recevied from the photodetector 21 (Aanlog to Digital conversion process).

Examiner: Kim CHU 129/04

AU 2653

(703) 305-3032

SUPERVISORY PATENT EXAMINER

**TECHNOLOGY CENTER 2600**